

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BLUE FOUNDRY BANK (f/k/a Boiling
Springs Savings Bank),

Plaintiff,

v.

CHRYSSOULA ARSENIS, SPYRIDON
ARSENIS, GEORGE ARSENIS, THOMAS
S. PETERS, ANDREW E. HALL & SON,
INC., UNITED STATES OF AMERICA,
JPMORGAN CHASE BANK NA, and
STATE OF NEW JERSEY,

Defendants.

Civil Action No. 23-23419 (RK) (TJB)

MEMORANDUM ORDER

THIS MATTER comes before the Court upon a Motion to Stay Execution of Remand Order Pending Appeal, (“MTS,” ECF No. 29), filed by *pro se* Defendants Chryssoula Arsenis, George Arsenis, and Spyridon Arsenis (the “Arsenis Defendants”). Blue Foundry Bank f/k/a Boiling Springs Savings Bank (“Plaintiff”) filed a Memorandum in Opposition, (“Opp.,” ECF No. 33), and the Arsenis Defendants filed a Reply Brief, (“Reply,” ECF No. 34). The Court has considered the parties’ submissions and resolves the matter without oral argument pursuant to Federal Rule of Civil Procedure 78 and Local Civil Rule 78.1. For the reasons set forth below, and for good cause shown,

IT IS on the 12th day of August, 2024, **ORDERED** as follows:

1. The Arsenis Defendants’ Motion to Stay is **DENIED** as moot. On July 23, 2024, the Third Circuit dismissed the Arsenis Defendants’ appeal for lack of appellate jurisdiction. (ECF No. 35; *see id.* at *2 (citing 28 U.S.C. § 1447(d) (“An order remanding a case to the State

court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1442 or 1443 of this title shall be reviewable by appeal or otherwise.”.) Moreover, even if the Motion were not moot, the Court would no longer have jurisdiction to rule on same. The Third Circuit has held that the “jurisdictional event” which divests a district court of jurisdiction is when “the certified copy of the remand order [is sent] to state court.” *Agostini v. Piper Aircraft Corp.*, 729 F.3d 350, 356 (3d Cir. 2013) (“At the moment of mailing—the jurisdictional event—the remand order became unreviewable ‘on appeal or otherwise.’”). The docket clearly reflects that the transmittal letter was mailed to Somerset County, (ECF No. 28), the day before the Arsenis Defendants filed the Motion to Stay, (ECF No. 29).

2. The Clerk of Court is directed to terminate the Motion pending at ECF No. 29.



ROBERT KIRSCH
UNITED STATES DISTRICT JUDGE